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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,920	07/30/2003	Kenneth J. Onion	KSW 322	9614
500	7590	02/17/2006	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/631,920

Applicant(s)

ONION ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-15 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15 and 19-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **Detailed Action**

The amendment filed on 1-4-2006 has been entered.

### **Objection to the Specification**

The disclosure is objected to because of the following informalities: On page 7, lines 20-21, "should be noted the while the direction" should read --should be noted while the direction--.

Appropriate correction is required.

### **Claims Rejection**

Claims 9, 13-15, 19 and 23-25 are objected to because of the following informalities:

- (1) In claim 9, "the pivot point" should read --a pivot point--.
- (2) In claim 13, "the blade has a tang including an inlet" is redundant. Note lines 3-4 of claim 8. The phrase should simply read --the inlet is--.
- (3) In claim 15, line 1, "first side" should read --the first side--.
- (4) In claim 15, line 3, "second side" should read --the second side--.
- (5) In claim 19, line 9, "and the blade" should be deleted. As shown in Fig.5, the knob 32 does not engage the blade 14.

(6) In claims 23 and 24, line 3, "may be" is indefinite and should be changed to -- can be--.

(7) In claim 25, line 5, "the engaged position" has no clear antecedent basis. It appears claim 25 should depend from claim 21.

Appropriate correction is required.

### **Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-11, 13-15 and 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Daughtry (U.S. Patent No. 3,851,986).

Daughtry discloses a knife as claimed which comprises a handle (10) including a first side (14) and a second side (16); a blade (12) configured to rotate between an open position and a closed position and having a tang with an inlet including a slot (58) terminating in a receptacle (56), the blade (12) being removably secured to the handle (10); and a manually-releasable fastening device (24,34,40) adapted to releasably engage the handle (10) and the blade (12) such that, while the fastening device (24,34,40) is released, the blade (12) is removable from the handle (10) and the first

side (4) is separable from the second side (16) as claimed. Further, the fastening device (24,34,40) includes a knob (34) and a retention post (24), and the inlet of the blade is adapted to engage the retention post (24) of the fastening device (24,34,40). The retention post (24) has a neck (52) and a base (26), and the base (26) is sized to be engaged by the receptacle (56) of the blade (12). The first side (14) and the second side (16) include a connector (19) that can be unscrewed to release the first side (14) from the second side (16) when the fastening device (24,34,40) is removed and the first side (14) and the second side (16) are in a rotated position.

#### **Claim Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtry (U.S. Patent No. 3,851,986) in view of Korb et al. (U.S. Patent No. 4,918,820).

Daughtry's knife as set forth shows all the claimed structure except the knob (34) lacks friction grips.

Korb et al. show a knife having fastening knob (14) which has friction grips on the outer edge of the knob (see Fig.9).

It would have been obvious to one skilled in the art to modify Daughtry by providing the knob (34) with friction grips to facilitate in ease tightening and untightening of the knob as taught by Korb et al.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer  
February 15, 2006



Hwei-Siu Payer  
Primary Examiner